

Remarks

The Office Action of February 5, 2007 found that claims 3-5, 7, 8 and 12 contained allowable subject matter. Claims 13-17 and 21-27 were held to constitute withdrawn subject matter.

The action also raised an antecedent basis concern for claim 6, asserted anticipation rejections of claims 1, 2, 9-11 and 18-20, asserted obviousness rejections of claims 1, 9-11 and 18-20, and asserted provisional double patenting concerns for claims 1, 2 and 10. In view of the amendments above and remarks below, reconsideration is respectfully requested.

Previously Allowable Subject Matter

Claims 3-5, 7, 8 and 12 have now been rewritten in independent form, as suggested in the Office Action. Hence, all issues with respect to these claims are now believed to be resolved.

Indefiniteness Concern

Claim 6 has now been amended to correct the dependency and thereby provide a more direct antecedent basis. Thus, all issues with respect to this claim are now believed to be resolved.

Art Rejections

The Office Action rejected claims 1, 2, 9-11 and 18-20 based on various art. In response, claims 1, 2, 9-11 and 18-19 have now been amended to incorporate part of claim 20 subject matter, that relating to pyrethrum. As noted in the original application, a key problem solved by the present invention was how to use pyrethrum, a particularly desirable insecticide, in a pore environment, without causing clogging problems. See paragraph [0011] of the original specification. The use of pyrethrum in the past required the use of expensive antioxidants, and in any event did not resolve the clogging problems completely for long-term insecticidal protection.

EP 2530640 was applied against claim 20 subject matter. However, this European publication made no mention of pyrethrum, as distinguished from synthetic pyrethrins. Hence,

there is nothing in that reference to overcome the teachings away that use of pyrethrum would cause clogging.

In any event, the polymers referred to in the Office Action are used as binders, which would teach away from using polymers to avoid clogging. Moreover, there is no enabling recitation of the use of polysiloxane, a phenolic material such as phenol formaldehyde, polyurethane, or fluorocarbon, much less their use with pyrethrum.

With respect to WO 2004/068945, that application includes the same three inventors as are named in the present application (and others). In any event, all inventors from both cases were under a common duty of assignment to S.C. Johnson & Son, Inc. at the time of these inventions. Thus, the reference is not available as art at all.

With respect to U.S. patent 3,995,595, pyrethrum is not mentioned in that patent. Further, the Office Action did not apply it against claim 20 subject matter.

With respect to the double patenting issue, claim 20 subject matter was not implicated in the provisional double patenting rejection. In any event, a terminal disclaimer is enclosed to remove that issue completely.

Conclusion

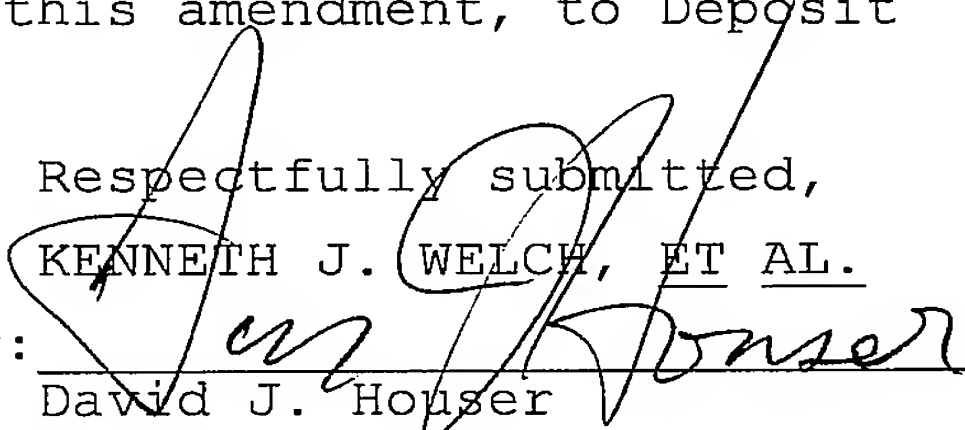
As such, allowance of amended claims 1-12 and 18-20 is respectfully requested. Four independent claims are now pending. Thus, please charge the additional fee of \$200, plus the terminal disclaimer fee, plus any other needed fees to permit full consideration of this amendment, to Deposit Account 10-0849.

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By:

Respectfully submitted,

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